

REMARKS

The rejections of pending claims 10 and 26-30 as unpatentable under 35 U.S.C. § 103(a) are respectfully traversed, since a *prima facie* case of obviousness has not been made by the Examiner. To establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a), each of three requirements must be met. First, the reference or references, taken alone or in combination, must teach or suggest each and every element recited in the claims. Second, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine the references in a manner resulting in the claimed invention. Third, a reasonable expectation of success must exist. Moreover, each of these requirements must “be found in the prior art, and not be based on applicant’s disclosure.” (See M.P.E.P. § 2143 (8th Ed. 2001)). Applicant submits that these requirements have not been met for at least the following reasons:

With respect to claim 10 & 26-30, it is agreed that all of the claim elements are not provided in the cited art. More specifically, the element “turning on substantially all light switches and substantially all exhaust blowers in said residential building” is not shown in the cited art. The examiner provides this limitation as “obvious to one skilled in the art.” However, applicant respectfully suggests that this does not meet the standards for a *prima facie* case of obviousness.

CONCLUSION

Applicant respectfully submits that all pending claims are now in condition for allowance.

Respectfully Submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, on 10/21/2005 in an envelope addressed to: Mail Stop: Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



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